



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, २२ फरवरी, १९७३/३ फाल्गुन, १९९४

GOVERNMENT OF HIMACHAL PRADESH

EXCISE AND TAXATION DEPARTMENT

STANDING ORDER

Simla-2, the 5th/7th February, 1973

No. 11-3/71-E&T (Sectt).—In pursuance of Rules 26 and 27 of the Rules of Business of the Government of Himachal Pradesh, 1971 and in supersession of all previous orders in this behalf, the Minister-in-charge (Excise & Taxation Department), Himachal Pradesh directs that cases and matters relating to the department, shall ordinarily be disposed of in the manner indicated in the Schedule annexed thereto.

2. In case of absence of the Minister-in-charge the Secretary (Excise & Taxation), Himachal Pradesh, or in his absence the Deputy Secretary/Under Secretary (Excise & Taxation) to Government of Himachal Pradesh may finally dispose of cases of extreme urgency. Such cases will, however, be shown to the Minister-in-charge on his arrival at the headquarters.

By order,
P. K. MATTOO,
Secretary.

ANNEXURE

MINISTER-IN-CHARGE

1. Cases of the service rules and amendments thereof or relaxation of the application of the rules.
2. Cases dealing with first appointment, transfer, extension of probationary period, reversion, confirmation, promotion, minor and major punishment, pension of all Gazetted Officers.
3. Cases dealing with anything effecting the conditions of service of Gazetted and Non-Gazetted staff.
4. Cases relating to representations, appeals of Gazetted Officers addressed to the Government, except those withheld by the Secretary under the rules.
5. Cases involving reference to Public Service Commission and cases dealing with their advice.
6. Proposal for institutions of Civil or Criminal proceedings against Gazetted Officers and proposal to pay from the Revenue of the State costs or damages in Civil and Criminal suits brought against Gazetted Officers.
7. Replies to Assembly/Parliament Questions.
8. Proposals regarding creation of additional posts in respect of Gazetted and non-Gazetted establishment.
9. Cases of grant of honorarium to Gazetted staff where sanction of Government is required under relevant rules.
10. Grant of permission to Government servants, having more than one wife, to re-marry.
11. Proposals regarding grant of special pay and allowances (including advance increments).
12. Training of Officers abroad.
13. Deputation of Gazetted Officers.
14. Proposals regarding compulsory premature retirement of Gazetted Government servants.
15. Amendments of various Excise & Taxation Acts and Rules framed thereunder including issue of important executive instructions.
16. Prohibition policy of the State Government in respect of liquor, opium and other Narcotics.
17. Meetings and Conferences convened by the Central Government in connection with State Excise policy.
18. Fixation of prices of various excisable commodities and rates of taxes and duties under various Acts and Rules.
19. Mode of issue of liquor to licensees.
20. Closing of Excise shops.
21. Opening of new Excise shops.
22. Resolution, Representations, Petitions etc. of Gram Panchayats in connection with the administration of the Act, especially interference in the opening of new shops.
23. Delegation of powers to Officers subordinate to Government.
24. Results of annual Excise Auctions.
25. Excise and Taxation Administration Reports.
26. Imposition of Excise Duty on liquor.
27. Shifting of location of Excise vends.
28. Purchase of new vehicles for the department.
29. Grant and cancellation of various licences.
30. Proposals regarding new Excise and Taxation measures-Framing of legislation and Rules to be issued by the Government.

31. Grant of exemption under various Acts and Rules, where such powers are to be exercised by Government.
32. Relaxation of certain provision of Acts by means of executive instructions.
33. Conversion of ordinances and President's Acts into Acts of the State.
34. Cases relating to formation of various Committees.
35. Proposals relating to Schedule of New Expenditure—Technically New Schemes and Really New Schemes.
36. Proposals regarding grant of exemption from the passing of the departmental examination, in whole or part thereof, to Gazetted Officers.
37. Cases dealing with disciplinary action against the Gazetted Officers (including warning).
38. Shifting of headquarters of the Excise & Taxation Commissioner and the staff subordinate to Government.
39. Auction of Annual Excise Licences.
40. Remission of Excise Revenue.
41. Important cases involving question of policy or principle, not expressly provided for in the other two lists.

ADMINISTRATIVE SECRETARY (EXCISE & TAXATION)

1. Grant of leave to Gazetted Officers.
2. Cases relating to Appeal, Representations and Memorials of non-Gazetted staff, provided the case against his own orders will be decided by the Minister-in-charge of the Department and provided further if a representation is addressed to the higher authorities it shall be decided by that authority, unless withheld under the rules.
3. Cases dealing with disciplinary action against the non-gazetted staff where the Excise & Taxation Commissioner is not competent to take final decision.
4. Annual confidential reports of the Gazetted Officers writing of (Minister-in-charge may see the reports, if he so desires).
5. Approval of the tour programme of the Excise and Taxation Commissioner.
6. Issue of notifications under various enactments and Rules framed thereunder.
7. Cases regarding production of documents in Courts, where Excise & Taxation Commissioner recommends that the documents should not be produced and privilege should be claimed.
8. Holding of Distillers/Brewers Conferences, including that of holders of other licences.
9. Approving Memos. for Council of Ministers.
10. Monthly arrear statement of the Excise & Taxation Commissioner.
11. All cases relating to working Committee of the Central Molasses Board.
12. Cases relating to Public Accounts Committee, Committee on Estimates and other Committees of the Vidhan Sabha, provided that important cases will be submitted to Minister-in-charge and Chief Minister, where required under the Rules of Business.
13. All quarterly statements prescribed for the Excise & Taxation Commissioner, where something substantial needs to be brought to the notice of the Secretary, Excise and Taxation.

14. Retention of Gazetted Government servants in service beyond the age of 55 years—Proposals regarding.
15. All matters concerned with fixation of ceiling price of Molasses, their movement and distribution, where powers are required to be exercised by the Government.
16. Inter-pretation of the provisions of various Acts.
17. Compensation to Excise Licenses under the Act.
18. Proposals regarding continuance of existing temporary posts.
19. Proposals regarding grant of permission for purchase or sale of movable/immovable property as required under the relevant rules to Gazetted Officers.
20. Grant of Casual Leave to the Excise & Taxation Commissioner.
21. Audit and Inspection Notes received from the Finance Department/ Accountant General, Himachal Pradesh and Chandigarh.

DEPUTY SECRETARY/UNDER SECRETARY (EXCISE & TAXATION)

1. Grant of re-imbursement of medical charges to the Gazetted staff, provided that the conditions laid down in the relevant Services (Medical Attendance) Rules are fulfilled.
2. Sanction to investigation by the Accountant-General, Himachal Pradesh & Chandigarh of claims to pay etc. under paragraph 2. 25(b) of the Himachal Pradesh Financial Rules, Vol.I, requiring the sanction of the Government, both in respect of Gazetted and Non-Gazetted staff.
3. Grant of temporary and non-refundable advances to Gazetted and Non-Gazetted Government servants from their General Provident Fund Accounts according to the relevant rules and where Government sanction is required.
4. Cases regarding grant of gratuities to the Gazetted and Non-Gazetted staff.
5. Proposals regarding pay fixation of Government servants (Gazetted and Non-Gazetted staff).
6. Sanction to production in Court, of documents where production is recommended by Excise & Taxation Commissioner, if there is apparently no objection for the same and no important point is involved.
7. Acceptance of unverified service of retired Gazetted and Non-Gazetted Government servants for grant of pension on basis of Collateral evidence.
8. Cases of sanction to Gazetted and Non-Gazetted staff to perform specified service and acceptance remuneration therefor, under relevant rules and where sanction of Government is required (in case of disagreement with the Excise & Taxation Commissioner the case to be submitted to the Secretary, Excise & Taxation).
9. Submission of periodical statements of petitions etc. addressed to Government which are (i) either withheld, or (ii) not disposed of as prescribed under the rules.
10. Proposals regarding formal orders retiring a Gazetted Officer at the age of superannuation.
11. Cases of grant of honorarium to Non-Gazetted staff where sanction of Government is required under relevant rules.

12. Writ-petitions, provided that such important cases will be submitted to the Secretary, Excise & Taxation/Minister-in-charge as he may consider necessary.
13. Translation of the various Acts and Rules framed thereunder into Hindi.
14. Enquiries as to matters of facts or requisition of fact or requisitions of papers (Gazetted and Non-Gazetted staff) received from Government/ Ministers; provided that the files will pass through the Secretary (Excise & Taxation) and the Minister-in-charge.
15. Proposals for institution of Civil or Criminal proceedings against Non-Gazetted staff, determination of Court by which and the manner in which should be tried and proposals to pay from the Revenues of the State costs of damages in Civil and Criminal suits brought against Non-Gazetted staff where Excise & Taxation Commissioner is not competent to take decision.
16. Issue of notifications regarding the appointment, transfer, leave and retirement etc. of Gazetted Officers.
17. Declaration of Gazetted Officers (other than IAS) regarding acquisition of movable/immovable property.
18. Purchase or hiring of fans and type-writers for use in Government offices in cases received by Government.
19. Recovery of Excise & Taxation dues from the defaulters.
20. Complaints, Petitions, Representations etc. against the administration of the Excise and Taxation; provided that such important cases will be submitted to Secretary, Excise & Taxation and Minister-in-charge, as he may consider necessary, (in case of any special features/ peculiarities and where any disciplinary action is to be taken in the case of Gazetted Officers, or the case will be submitted to the Minister-in-charge through the Secretary, Excise and Taxation).
21. Tour and Inspection Notes received from the Excise and Taxation Commissioner of Officers subordinate to him; provided that important matters will be brought to the notice of the Secretary, Excise & Taxation/Minister-in-charge.
22. Suits in Courts against the State arising out of the administration of the Excise & Taxation measures.
23. Rates of octroi duty on liquor.
24. Notices under section 80 C.P.C.
25. Proposals regarding correction in the date of birth of Government servants.
26. Grant of loans for house building, motor-car, motor-cycle and scooter etc.
27. Signing of charge sheet and show-cause notices of Gazetted Officers.
28. Defence of Government servants in Civil/Criminal cases brought against them by private parties arising out of official duties.
29. Hiring of buildings for office use by the Officers/Officials of Excise & Taxation Department.
30. Other matters for instances printing of forms, purchase of stationery and other petty items not specifically mentioned in this list.

SECTION OFFICER, EXCISE AND TAXATION

1. Issue of reminders other than demi-official reminders.
2. Disposal of requisition for supply of copies to other department Governments.

3. Disposal of all letters conveying interim information except in cases in which Officers require immediate action.
4. Giving interim replies in cases which are under consideration of Government.
5. Back references for additional information except in cases of important nature.
6. Disposal of reminders in cases in which replies are under issue or have been issued.
7. To address the Excise & Taxation Commissioner for comments of various representations, petitions etc., from the staff and public except in important cases.
8. To issue drafts in petty cases in which orders have already been passed.
9. Supplies of copies of various Acts and Rules to other departments and State Governments.
10. Requisitions for supply of copies or Service Rules and executive instructions to other departments and State Governments.

ELECTION DEPARTMENT

NOTIFICATION

Simla-2, the 22nd February, 1973

No. 7-5/72-Elec.—In exercise of the powers conferred by section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Gram Panchayat (Election) Rules, 1972, the same having been previously published in the official Gazette (Extraordinary issue), dated the 13th February, 1973. The amendments shall come into force at once.

AMENDMENTS

1. These rules shall be called the Himachal Pradesh Gram Panchayat (Election) (First Amendment) Rules, 1973.

2. In the Himachal Pradesh Gram Panchayat (Election) Rules, 1972, after second proviso to rule 46, the following third proviso shall be added:—

“Provided further that if a person is elected in a Gram Sabha from more than one constituency (Ward), the oath/affirmation shall be administered to him only after he resigns from more than one such constituencies (wards). The resignation in such cases addressed to Deputy Commissioner shall be tendered either directly to the Deputy Commissioner immediately after the election or presented to the Officer presiding over the meeting fixed for the administration of oath/affirmation in the meeting called for this purpose. If, however, such a person does not tender his resignation to the Deputy Commissioner or present it to the officer presiding over such a meeting, he shall submit the same to the Pradhan or Up-Pradhan presiding over the subsequent meetings of the Gram Panchayat. In all such cases the resignation shall be addressed to the Deputy Commissioner and may be presented to any of the persons presiding over the meeting who shall after recording the fact in the Register of Proceedings prescribed under rule 49, forward the same to the Deputy Commissioner with his report.”

3. In the said rules, after clause (iii) (b) of rule 47 and before rule 48, the following proviso shall be added:—

“Provided that if two-third majority of the elected Panches is not present in the first meeting, the Deputy Commissioner or the person authorised under rule 46, shall convene second meeting by giving a fresh notice for holding such a meeting to all the elected members in the manner already prescribed under rule 46. For the second meeting one-half of the elected Panches shall form the quorum for the election of Pradhan or Up-Pradhan.”

“Provided further that if the quorum of 1/2 of the elected members is not present even in the second meeting a third meeting shall be held after giving proper notice as aforesaid and elections to Pradhan and Up-Pradhan shall be conducted for which no quorum will be required.”.

By order
L. TOCHHAWNG,
Secretary.

